REMARKS

Status of Claims

Claims 1-25 are pending, of which claims 1, 24 and 25 are independent.

Claims 1, 24 and 25 have been amended to correct informalities in claim language and to more clearly define the intended subject matter. Support for the amendment is found, for example, at paragraph [0017] of the present specification. Care has been taken to avoid introducing new matter.

Objection to the Specification

The Examiner objected to the specification. Applicants respectfully submit that the amendment made to the specification overcomes this objection.

Rejection under 35 U.S.C. § 101

Claims 1-23 and 25 were rejected under 35 U.S.C. § 101 because the claimed subject matter is allegedly directed to non-statutory subject matter. This rejection is respectfully traversed.

The Examiner asserts that paragraphs [0030]-[0033] of the present specification indicate that the claimed "transforming unit" and "placing unit" are merely software elements. Applicants disagree. Applicants respectfully submit that paragraph [0020] clearly states:

> It should be noted that the program conversion device can be realized as a compiler, an OS (Operating System), or an integrated circuit, such as a CPU.

Accordingly, the Examiner's interpretation is incorrect. Nonetheless, Applicants have amended claim 1 to recite a CPU, a tangible device. Accordingly, it is submitted that claim 1 is clearly directed to statutory subject matter. Further, claim 25 has been amended to recite "a record

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medium" (see, paragraph [0021] of the specification). Thus, Applicants respectfully request that the Examiner withdraw the rejections of claims 1-23 and 25 under 35 U.S.C. § 101.

Rejection under 35 U.S.C. § 102

Claims 1, 5-6 and 23-25 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hobbs et al. (US 2002/0199178). This rejection is traversed for at least the following reasons.

Applicants respectfully submit that, at a minimum, Hobbs fails to disclose that "*the iteration count y of the input program in the inner loop is determined such that processing time of the input program in the inner loop makes all or part of latency time of the instruction placed outside the inner loop,*" as recited by amended claim 1, 23 and 25. Hobbs appears to disclose performing double looping transformation so as to transform the structure of a loop into a double loop structure. It should be noted that the objective of Hobbs is to prevent cache thrashing by forming an inner loop such that the size of data that is processed in the inner loop does not exceed the size of a cache bank. In other words, Hobbs focuses on how to prevent the size of data processed in the inner loop from exceeding the size of the cache bank. As such, it is clear that Hobbs fails to disclose that "the iteration count y of the input program in the inner loop is determined such that processing time of the input program in the inner loop makes all or part of latency time of the instruction placed outside the inner loop," since Hobbs does not focus on how the processing time in the inner loop makes latency time of an instruction.

Accordingly, Applicants respectfully submit that Hobbs does not anticipate claims 1, 5-6 and 23-25. Thus, it is requested that the Examiner withdraw the rejection of claims 1, 5-6 and 23-25 under 35 U.S.C. § 102(b).

Rejection under 35 U.S.C. § 103

Claims 2 and 7-14, 17-18 and 20-22 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hobbs et al. in view of Nishiyama (US 6,148,439) Claims 15 and 16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hobbs et al. in view of Nishiyama, and further in view of Liu et al. (US 6,070,011). Claim 19 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hobbs et al. in view of Nishiyama, and further in view of Ogawa et al. (US 2004/0098713). These rejections are traversed for at least the following reasons.

Applicants incorporate herein the arguments previously advanced in traversal of the rejection under 35 U.S.C. § 102(b) predicated upon Hobbs. The additional cited references do not teach or suggest the above discussed features of amended claim 1, from which claims 2, 7-19 and 20-22, which is missing from Hobbs. Therefore, any combination of Hobbs with Nishiyama, Liu and/or Ogawa would still fail to disclose the claimed feature, and it would not have been obvious to add this feature to any such combination. Thus, it is requested that the Examiner withdraw the rejection of claims 2 and 7-19 and 20-22 under 35 U.S.C. § 103(a).

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication for which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is requested to call Applicants' attorney at the telephone number shown below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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